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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/055,796

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10/05/2007

EXAMINER

HALIM, SAHERA

ART UNIT

PAPER NUMBER

2157

MAIL DATE

DELIVERY MODE

10/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/055,796

Applicant(s)

TARNOFF, HARRY L.

Examiner

Sahera Halim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-15, and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. This Office Action is Responsive to communication filled on July 7, 2007.
2. The applicant has canceled claims 1-11 and 16-17.
3. Claims 12-15 and 18-20 are pending in the application.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 12 has the limitation of "communication of said event between said event diction module and said search engine client module which does not interact directly with any human user making search requests of said search engine client". It is unclear which module is not communicating directly with any human user. For examination purposes this limitation is interpreted as "communication of said content event change between said event diction module and search engine client module without direct interaction with human user".

6. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject

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matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner failed to find support the limitation, "communication of said event between said event diction module and said search engine client module which **does not interact directly with any human user** making search requests of said search engine client".

Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), *aff'd mem.*, 738 F.2d 453 (Fed. Cir. 1984). **The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Note that a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a prima facie case for lack of descriptive support. Ex parte Parks, 30 USPQ2d 1234,1236 (Bd. Pat. App. & Inter. 1993). See MPEP § 2163 - § 2163.07(b) for a discussion of the written description requirement of 35 U.S.C. 112, first paragraph.**

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 12 recites the limitation "the content" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim. For examination purposes it is read as content".

8. Claim 12 recites the limitation of "communication of said event" in line 13 of the claim. Content change event or events have been mention before in the

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claim. However, event by itself hasn't been mentioned. For examination purposes it is read as "content change event". Moreover, line 16 of claim 12 has the limitation of "said change event". Again there is insufficient antecedent basis for this limitation in the claim. There is no mention of "said change event" in the claim before this line. For examination purpose it is read as "said content change event".

Specification

9. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The examiner fails to find the limitation of "communication of said event between said event detection module and said search engine client module which does not interact directly with any human user making search requests of said search engine client".

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 12-15 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Li et al., U.S Pat. No. 6,631,496 (hereinafter Li).

12. Li teaches system for instantly detecting changes to the content of a website and pushing notification of said changes to a search engine client over a network connected to said website and where said content is limited, modified or expanded comprising: (abstract)

an event detection module associated with said website that immediately detects content change events related to said website (col. 11, line 13 – 22, the system performs automatic document refresh);

a URL or IP address representing the location of said search engine client on said network (col. 8, line 5 –31, URL of bookmarked pages);

a module associated with said search engine client that receives notification of said content change event from said website event detection module (col.11, line 13 – 21; when moved documents are discovered, they are marked “deadlinks”);

a rules database configured to store rules regarding content to be sent to said search engine clients from said website (col. 5, line 4 – line 53),

a content validator configured to automatically review said content before said content is transmitted to said search engine client module (col.14, lines 12 – 29 and col. 13, line 57 –64);

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communication of said event between said event detection module and said search engine client module which does not interact directly with any human user making each requests of said search engine client (col.14, lines 12 –29);

communication control whereby the notification of said change event and communication of said content is guaranteed thereby improving the performance of network services (col.14, line 11 – 39);

access control and deny logic used in conjunction with a flexible rules applier and mathematics- based scorer to grant or deny said search engine client access to content based on a wide- ranging set of criteria (col.10, line 14 –61); and

controlling access by said search engine client to content in accordance with the decision of said content validity (col.10, line 62 – col. 11, line 22).

13. Li teaches the system of claim 12, wherein said event detection module communicates with a plurality of search engine clients, URL or IP address locations of said search engine clients on said network contained in a nodally distributed registration database (col. 1, line 58-65).

14. Li teaches the system of claim 12, comprising: a RevBot installed at said website (abstract), said RevBot comprising: said event detection module, said registration database, said rules database, said content validator (col. 13, lines 13 –47), said communication control, and said access control and deny logic; a RevBot Receiver installed at said search engine client, said RevBot Receiver

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comprising: means for communicating with said RevBot and integrating said changes to content stored on or processed by said search engine client (col. 13, line 60 – col. 14, line 10).

15. Li teaches the system of claim 14, wherein said RevBot operates on behalf of a plurality of websites (col. 14, line 12 – 29).

16. Li teaches the system of claim 12, wherein said rules stored in said rules database include one or more of the following: 1. Only allow access from particular network locations; 2. Only provide access during certain hours of the day; 3. Only allow access from registered said search engine clients using a security key; 4. Only allow access from within a particular geographic region; 5. Only allow access with the receipt of payment or credit approval; 6. Transmit event notifications to a particular node at only certain intervals (col. 5, line 68-col. 6, line 67).

17. Claims 19-20 have similar limitations as to claims 12 and 13, therefore, claims 19-20 is rejected under the same rationale as claims 12-13.

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Conclusion

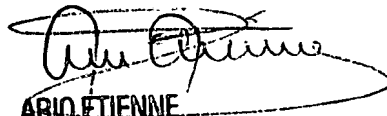
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (571) 272-4003. The examiner can normally be reached on Mondays and Thursdays from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sahera Halim
Patent Examiner
AU: 2157

September 28, 2007


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